

REMARKS

respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

Chang/Winnick combination

Winnick and Chang are from different fields. Chang relates to an object-oriented software device, while Winnick relates to conventional hardware devices. Applicant respectfully submits that one of ordinary skill in the art would not look to Winnick to supplement the teachings of Chang. Applicant accordingly respectfully submits that the combination of these references is an improper hindsight reconstruction.

Path Object

The term "path object" is defined in the specification at p.5, ll. 21-22. "*The path object itself is an organization of the available queues in the system.*" This is illustrated with respect to the preferred embodiment at 212 in Fig. 3, where each of "que" 1 through n has the structure "QueStruct." This path object, as defined in the specification, results in the functional advantage of allowing the data object to be routed through numerous nodes based on path information contained in or associated with the data object. The system does not have to keep track of the data object's path independent of the data object.

Against the claim recitation of "path object," the Examiner cites Chang, col. 13, ln 15-30; col. 4, ll 30-34; col. 17, ll. 65-67, and col. 18, ll 1-3, particularly with respect to the network_contextID object and a service_contextID object. Applicant has reviewed Chang and does not believe that the cited sections teach or suggest a path object as defined by Applicant; nor, so far as Applicant can tell, does the reference teach or suggest the functional advantages of

REMARKS

Applicant's path objects. First, there appear to be two objects in question, not a path object. Moreover, at best, the cited portions of Chang teach information about source and destination processing objects for a current segment of a path for a data object between a current processing object and a next processing object, not an organization of available queues in the system. Applicant accordingly respectfully submits that the Examiner has failed to present a *prima facie* case against the claims.

Since independent claims 6 and 13 also recite a path object, Applicant respectfully submits that the rejections of these claims are similarly deficient to the rejection of claim 1.

Claims 12 and 13

Claim 12 recites that the first queuing is in response to an indication of the first processing object in a path object; and that the second queuing is in response to both results of the processing and an indication of the second processing object in the path object. In other words, the path object defines at least two segments of a path for the data object.

Again, so far as Applicant can tell from the portion of Chang cited by the Examiner, Chang only indicates source and destination objects for a single segment of a path — using the network_contextID and service_contextID objects — rather than more than one segment.

Applicant respectfully submits that the Examiner improperly groups claims 13 and 12 together, when their recitations are different.

Therefore, Applicant accordingly respectfully submits that the Examiner has failed to make a *prima facie* case against these claims.

REMARKS

Winnick

Claim 1 recites identifying a queue based on an indicator in the path object. Against this recitation, the Examiner cites Winnick at col. 1, ll. 58-62.

Applicant respectfully submits that the Examiner mischaracterizes Winnick. The messages in this portion of Winnick do not appear to be data objects. They do have status indicators, but, so far as Applicant can tell by reading the paragraph in which this section appears, these indicators are not used to identify a queue. Instead, they are used to indicate whether the transmitter is in active or standby mode.

Applicant suspects that the Winnick reference was uncovered during a keyword search on the word "indicator." "Indicator" is a common English word that appears in many patents and has many different meanings, depending on context. The presence of this word, without more, does not indicate that the patent is relevant art. Applicant respectfully submits that keyword searches of this type are improper hindsight reconstructions that use Applicant's claims as a road map.

Claim 10

Claim 10 recites that the path object includes a table of queue indicators. Claim 10 depends from claim 1. Claim 1 also recites that the path object is associated with a respective data object.

Against this recitation, the Examiner cites Nakamura. Again, like Winnick, Nakamura appears to be a hardware system with messages between hardware units. Accordingly, one of ordinary skill in the art would not apply it to the O-O software context of Chang. Applicant therefore respectfully submits that the combination is improper.

REMARKS

Moreover, so far as Applicant can tell, by reading the cited portions of the reference, the destination registration table 40 is not a path object associated with a data object. Instead, it appears that this table is used to keep track of the status of destinations for the system as a whole, not to hold data with respect to paths for particular data.

Again this rejection appears to result from a mere keyword search on the word "table," which has produced a piece of irrelevant art that happened to have the same word as Applicant's claim. "Table" is a common English word that appears in many patents and has many different meanings, depending on context. Applicant respectfully submits that this is an improper hindsight reconstruction using Applicant's claims as a road map.

Claim 11

Claim 11 depends from claim 1 and recites that the processing comprises determining a normal or faulty outcome. The processing, as recited in claim 1, is of a data object in a processing object. The claim further recites identifying, namely identifying a queue, in response to the outcome.

Against this recitation, the Examiner cites Winnick. Applicant respectfully submits that the Examiner mischaracterizes Winnick in this respect. Applicant understands Winnick to transmit an indication of the transmitter mode, whether standby or active. Applicant does not understand any queues to be involved. Moreover, Applicant does not understand the active or standby mode to result from processing data. Moreover, Applicant does not understand any queues to be identified for data in accordance with the active or standby mode or in response to any system faults. Applicant therefore concludes that this portion of Winnick does not stand for the proposition for which the Examiner cites it.

REMARKS

New claims

In light of the above errors, withdrawal of the finality of the office action is respectfully requested. Entry of the amendment including the new claims will accordingly be appropriate.

The new claims define even more clearly over the art of record, because they better define the path object on the medium, including at least three queue indicators.

Even if the withdrawal of the finality of the office action is not granted, Applicant respectfully requests partial entry of this amendment or by Examiner's amendment to cancel claims 4 and 5 and correct the typo in claim 12.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Applicant respectfully submits that he has answered each issue raised by the Examiner – except for any skipped as moot – and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first class mail in an envelope addressed to	
Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	
On	(date)
By	(signature)

Respectfully submitted,

By *Anne F. Barschall*
Anne F. Barschall, Reg. No. 31,089
Tel. no. 914-332-1019
Fax no. 914-332-7719
July 29, 2005